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| 09/523,853      | 03/13/2000  | Hadi Partovi         | 22379-710           | 6249             |

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| EXAMINER |
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NGUYEN, QUANG N

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| ART UNIT | PAPER NUMBER |
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2141

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/07/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/523,853

Applicant(s)

PARTOVI ET AL.

Examiner

Quang N. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 26-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Detailed Action***

1. In view of the Appeal Brief filed on 11/27/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claims 26-52 are pending for examination.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 35-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

4. As to claims 35-43, it appears that claims 35-43 would reasonably be interpreted by one of ordinary skill in the art as a system of software per se, failing to fall within a statutory category of invention. Applicant's disclosure contains no explicit and deliberate definition for the term "means", and in the context of the disclosure and claims in question, one of ordinary skill in the art would reasonably interpret the "means" as software applications. As such, the system of "means" alone is not a machine, and it is clearly not a process, manufacture nor composition of matter. Thus, the claims are not limited to statutory subject matter and are therefore nonstatutory.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 26-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ksiazek (US 6,597,765), in view of Albal et al. (US 2003/0147518), hereinafter "Albal".**

7. As to claim 26, **Ksiazek** teaches a method performed by a voice portal, comprising:

receiving a call from a caller, where the call includes identifying information (*i.e., receiving an incoming call with the associated ANI information*) (**Ksiazek, col. 3, lines 21-55**);

identifying a first voice character, based on the identifying information, to be used by the voice portal when audibly interacting with the caller (*based on the associated ANI information, the OSPA 26 determines the appropriate assigned operator language services including operator service announcements, wording, intonation, branding, i.e., voice character, for the call*) (**Ksiazek, col. 3, lines 21-55**).

However, **Ksiazek** does not explicitly teach detecting a speaking voice associated with the caller through the voice portal interaction with the caller; identifying a second voice character based on the detected speaking voice associated with the caller; and changing from the first voice character to the second voice character when further audibly interacting with the caller.

In an analogous art, **Albal** teaches detecting a speaking voice associated with the caller through the voice portal interaction with the caller (*the automatic speech recognition unit "ASR" 254 processes the speech inputs from the user to determine/identify the user speech pattern*) (**Albal**, paragraph [0066]);

identifying a second voice character based on the detected speaking voice associated with the caller (*i.e., in response to the detected user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities such as a female voice, a male voice, etc., and can implement various grammars to detect and respond to the audio inputs from the user*) (**Albal**, paragraph [0047]); and

changing from the first voice character to the second voice character when further audibly interacting with the caller (*the application server 242 retrieves the information, processed the retrieved information and provides/outputs the information to the user according to one of various dialog voice personalities selected and provided by the communication node 212 in response to the audio inputs from the user, i.e., outputs the information according to a second voice character based on the identified caller's speech pattern*) (**Albal**, paragraphs [0047], [0066] and [0074]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of **Albal** and **Ksiazek** to achieve the claimed invention since both references are directed to communications systems providing multi-language access with multiple variations services to the user, hence, would be considered to be analogous based on their related fields of endeavor.

One would be motivated to do so to provide various services and capabilities to a user/caller by enhancing the ability of voice processing system to interact with the user in a user-friendly environment such as interacting with the user in the user-preferred language, speech pattern, intonation, etc., according to the user's location, identification and/or actions.

8. As to claim 27, **Ksiazek-Albal** teaches the method of claim 26, further comprising determining a locale associated with the call based on the identifying information (*i.e., based on the associated ANI information such as the identified country code, area code, and prefix information, the caller's number can identify a locale such as a city, state, country, and/or a particular location such as a hospital, a nursing home, a hotel, an airport, etc*) (**Albal, paragraph [0021]**). The same motivations regarding the obviousness of claim 26 is also applied equally well to claim 27.

9. As to claim 28, **Ksiazek-Albal** teaches the method of claim 27, wherein identifying a first voice character includes determining the first voice character as a voice character associated with the determined locale (*based on the associated ANI information, the OSPS 26 determines the appropriate assigned operator language services including operator service announcements, wording, intonation, branding, i.e., voice character, for the call*) (**Ksiazek, col. 3, lines 21-55**).

10. As to claim 29, **Ksiazek-Albal** teaches the method of claim 27, further comprising presenting prompts to the caller based on the determined locale (*i.e., providing the appropriate assigned operator language services, greetings, announcements to the caller based on the ANI information*) (**Ksiazek, col. 3, lines 43-55 and col. 4, lines 3-13**).

11. As to claim 30, **Ksiazek-Albal** teaches the method of claim 26, further comprising determining a type of communication device used by the caller based on the identifying information (*the communication node 212 can automatically identify the user or the type of the user's communication device through the use of Automatic Number Identification "ANI" or Caller Line Identification "CLI"*) (**Albal, paragraph [0048]**). The same motivations regarding the obviousness of claim 26 is also applied equally well to claim 30.

12. As to claim 31, **Ksiazek-Albal** teaches the method of claim 30, wherein identifying a first voice character includes determining the first voice character based on the determined type of communication device used by the caller (*the communication node 212 can automatically select a voice character from various dialog voice personalities and/or select various speech recognition models based upon the user's communication device*) (**Albal, paragraphs [0047-0048]**). The same motivations regarding the obviousness of claim 26 is also applied equally well to claim 31.



13. As to claim 32, **Ksiazek-Albal** teaches the method of claim 26, further comprising determining actions of the caller during the voice portal interaction with the caller (*enabling the user to selectively change the assigned language for the telephone call via the prompt: "To change the assigned language for the telephone operator services, please select the language you wish to use. Press \*71 for English, press \*72 for Spanish, press \*73 for French, etc)* (**Ksiazek, col. 4, lines 3-13**).

14. As to claim 33, **Ksiazek-Albal** teaches the method of claim 32, wherein identifying a second voice character includes determining the second voice character based on the detected speaking voice associated with the caller and the determined actions of the caller (*enabling the user to selectively change the assigned language for the telephone call via the prompt: "To change the assigned language for the telephone operator services, please select the language you wish to use. Press \*71 for English, press \*72 for Spanish, press \*73 for French, etc., i.e., determining the voice character based on the determined actions of the caller*) (**Ksiazek, col. 4, lines 3-13**).

15. As to claim 34, **Ksiazek-Albal** teaches the method of claim 26, further comprising permitting the caller to select a third voice character; and changing from the second voice character to the third voice character when further audibly interacting with the caller (*enabling the user to selective change the assigned default language for the telephonic call via the prompt: "To change the assigned language for the telephone operator services, please select the language you wish to use. Press \*71 for English,*

*press \*72 for Spanish, press \*73 for French, etc.," and any suitable prompt to initiate the caller to selectively choose a desired language for operator services may be employed* (Ksiazek, col. 4, lines 3-13).

16. Claims 35-43 are corresponding means claims of method claims 26-34; therefore, they are rejected under the same rationale.

17. Claims 44-48 are corresponding system claims of method claims 26 and 29-32; therefore, they are rejected under the same rationale.

18. As to claim 49, **Ksiazek-Albal** teaches the system of claim 48, wherein the voice portal is further configured to determine the different voice character based on the determined actions of the caller (*enabling the user to selective change the assigned default language for the telephonic call via the prompt: "To change the assigned language for the telephone operator services, please select the language you wish to use. Press \*71 for English, press \*72 for Spanish, press \*73 for French, etc."*) (Ksiazek, col. 4, lines 3-13).

19. As to claim 50, **Ksiazek-Albal** teaches the system of claim 44, wherein the voice portal is further configured to detect a speaking voice associated with the caller while audibly interacting with the caller (*the automatic speech recognition unit "ASR" 254 processes the speech inputs from the user to determine/identify the user speech*

pattern) (Albal, paragraph [0066]); and determine the different voice character based on the detected speaking voice (i.e., in response to the detected user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities such as a female voice, a male voice, etc., and can implement various grammars to detect and respond to the audio inputs from the user) (Albal, paragraph [0047]). The same motivations regarding the obviousness of claim 26 is also applied equally well to claim 50.

20. As to claim 51, **Ksiazek-Albal** teaches the system of claim 44, wherein the voice portal is further configured to permit the caller to select the different voice character *(enabling the user to selective change the assigned default language for the telephonic call via the prompt: "To change the assigned language for the telephone operator services, please select the language you wish to use. Press \*71 for English, press \*72 for Spanish, press \*73 for French, etc.") (Ksiazek, col. 4, lines 3-13).*

21. As to claim 52, **Ksiazek-Albal** teaches a method, comprising:

receiving a call from a caller, where the call includes identifying information *(i.e., receiving an incoming call with the associated ANI information) (Ksiazek, col. 3, lines 21-55);*

identifying a first voice character based on the identifying information *(based on the associated ANI information, the OSPS 26 determines the appropriate assigned operator language services for the call) (Ksiazek, col. 3, lines 21-55);*

providing audible prompts to the caller in a speech pattern based on the first voice character (*i.e., providing the appropriate assigned operator language services, greetings, announcements to the caller*) (**Ksiazek, col. 3, lines 43-55 and col. 4, lines 3-13**);

detecting a speaking voice associated with the caller (*the automatic speech recognition unit "ASR" 254 processes the speech inputs from the user to determine/identify the user speech pattern*) (**Albal, paragraph [0066]**);

identifying a second voice character based on the detected speaking voice associated with the caller (*i.e., in response to the detected user speech pattern determined/identified by the "ASR" 254 above, the communication node 212 can provide various dialog voice personalities such as a female voice, a male voice, etc., and can implement various grammars to detect and respond to the audio inputs from the user*) (**Albal, paragraph [0047]**); and

providing further audible prompts to the caller in a speech pattern based on the second voice character (*the application server 242 retrieves the information, processed the retrieved information and provides/outputs the information to the user according to one of various dialog voice personalities selected and provided by the communication node 212 in response to the audio inputs from the user, i.e., outputs the information according to a second voice character based on the identified caller's speech pattern*) (**Albal, paragraphs [0047], [0066] and [0074]**).

The same motivations regarding obviousness of claim 26 is also applied equally well to claim 52.

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22. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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